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7 Attorney for Defendant  
8 ANTHONY McGEE

9  
10 IN THE UNITED STATES DISTRICT COURT  
11  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13

14 UNITED STATES OF AMERICA,

No. CR 12-0052 EMC

15 Plaintiff,

16 **STIPULATION AND PROPOSED**  
17 **ORDER CONTINUING STATUS**  
18 **HEARING**

19 v.

20 ANTHONY McGEE,

21 Defendant \_\_\_\_\_/

22 IT IS HEREBY STIPULATED that the status hearing currently scheduled for May 9,  
23 2012 at 2:30 p.m. may be vacated and continued to May 23, 2012 at 2:30 p.m. Counsel for the  
24 defendant will be unavailable as he will be in trial in state court.

25 The parties further stipulate and move for an exclusion of time under the Speedy Trial  
26 Act, 18 U.S.C. § 3161(b), from May 9, 2012 to May 23, 2012. The parties agree, and the Court  
27 finds and holds, as follows:

28 1. The defendant by and through his attorney, Erik Babcock, Esq., need additional  
time to investigate the case and effectively to prepare a defense to the charges.

2. The defendant agrees to an exclusion of time under the Speedy Trial Act.

Failure to grant the requested continuance would unreasonably deny defense counsel

1 reasonable time necessary for effective preparation, taking into account the exercise of  
2 due diligence.

3 3. Given these circumstances, the Court hereby continues the status hearing  
4 currently set for May 9, 2012 to May 23, 2012. The Court hereby also finds that the  
5 ends of justice served by excluding the period from May 9, 2012 to May 23, 2012  
6 outweigh the best interest of the public and the defendant in a speedy trial. §  
7 3161(h)(8)(A).

8  
9 4. Accordingly, and with the consent of the defendant, the Court orders that the  
10 currently scheduled hearing date of May 9, 2012 is vacated, that parties appear for a  
11 status conference on May 23, 2012, and that the period from May 9, 2012 to May 23, 2012 be  
12 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) &  
13 (B)(iv).  
14

15 **SO STIPULATED.**

16 DATED: May 3, 2012

MELINDA HAAG  
United States Attorney

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19 By: /S/Robert David Rees  
20 ROBERT DAVID REES  
Assistant United States Attorney

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DATED: May 3, 2012

By: /S/Erik Babcock  
ERIK BABCOCK  
Counsel for Defendant

**IT IS SO ORDERED.**

DATED: May 8, 2012

